

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Submitted on Briefs March 31, 2006

**IN RE C.S., JR. (D/O/B 07/23/91), T.M.S. (D/O/B 08/14/92),
J.W.S. (D/O/B 01/17/94), Z.J.S. (D/O/B 10/18/95),
K.S.S. (D/O/B 02/27/97), AND R.F.S. (D/O/B 04/04/00)**

STATE OF TENNESSEE, DEPARTMENT OF CHILDREN'S SERVICES

v.

SYLVIA SAGA

**An Appeal from the Juvenile Court for Bedford County
No. 32-321 Charles L. Rich, Judge**

No. M2005-02499-COA-R3-PT - Filed on September 14, 2006

This is a termination of parental rights case. In 2003, the biological mother of the six children at issue in this case abandoned the children and left them with their paternal grandmother. The next day, the mother was arrested for abandonment and failure to protect the children from abuse by a former boyfriend. The children were taken into state custody and placed in foster homes. Over the course of the next two years, three permanency plans were put in place for the children. All of the plans required the mother to, among other things, obtain a legally-derived means of income sufficient to support her children and obtain safe and stable housing. In February 2005, after being released from four months of incarceration for two DUIs, the mother moved to Missouri. She lived in three different places in Missouri and did not inform DCS of her changes in address. After the mother moved to Missouri, she did not visit the children, did not obtain independent housing, and worked only part-time, minimum-wage jobs. The State filed a petition to terminate the mother's rights based on abandonment, failure to comply with the permanency plans, and persistent conditions. After a trial, the trial court terminated the mother's parental rights based on all three grounds. The mother now appeals. We affirm, finding that the evidence fully supports the trial court's finding on at least one ground and as to the best interest of the children.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Juvenile Court is Affirmed

HOLLY M. KIRBY, J., delivered the opinion of the Court, in which ALAN E. HIGHERS, J., and DAVID R. FARMER, J., joined.

Trisha A. Henegar, Shelbyville, Tennessee, for the appellant, Sylvia Saga.

Paul G. Summers, Attorney General and Reporter, and Amy T. Master, Assistant Attorney General, Nashville, Tennessee, for the appellee, State of Tennessee Department of Children's Services.

OPINION

Respondent/Appellant Sylvia Saga ("Mother") is the biological mother of the six children at issue in this action, C.S., Jr. (born 07/23/91), T.M.S. (born 08/14/92), J.W.S. (born 01/17/94), Z.J.S. (born 10/18/95), K.S.S. (born 02/27/97), and R.F.S. (born 04/04/00).¹ The children came into the custody of the Petitioner/Appellee State of Tennessee, Department of Children's Services ("DCS") on September 2, 2003. At that time, Mother and the children had been living with the children's paternal grandmother, Mary Haggard ("Grandmother"), for six months. On approximately September 1, 2003, Mother gave Grandmother the children's birth certificates, social security cards, and health insurance cards. She told Grandmother that she was leaving but did not know where she would be or when she would return for the children. The next day, Mother was arrested for child abandonment and failure to protect two of the children from abuse by her boyfriend. On September 4, 2003, DCS petitioned the trial court for temporary custody of the children. At the preliminary hearing, the trial court found that Mother had abandoned her children and that her whereabouts were unknown. Mother was appointed counsel at that time.

On September 24, 2003, DCS put into place a permanency plan, which Mother was to complete in order to regain custody of her children. The permanency plan had dual goals, returning the children to the parent and also adoption. The plan noted that Mother did not attend the staffing, because she was incarcerated at the Bedford County Jail in Shelbyville at the time. The plan required Mother to resolve her legal problems; obtain an alcohol and drug assessment and follow all recommendations from the assessment; undergo a psychological evaluation, including a parenting assessment, and follow all recommendations from the evaluation; attend parenting classes; secure a legally derived, adequate source of income; and obtain safe and stable housing. On October 20, 2003, the trial court ratified the permanency plan, finding that its requirements were reasonable and reasonably related to the conditions that lead to the children being placed in foster care.

On February 5, 2004, Mother received a certificate for completing parenting classes at The Center for Family Development in Shelbyville, Tennessee. These classes were arranged by and paid for by DCS.

A hearing was held on August 9, 2004. At this hearing, the trial court found the children to be dependent and neglected, and also found that DCS was making reasonable efforts on behalf of the family. The DCS case manager, Jennifer Brown ("Brown"), had been recently assigned to

¹The children's father is C.S., Sr. His parental rights were terminated after a hearing held on August 29, 2005. He did not appeal the termination, and his rights are not at issue in this case.

Mother's case, and she attended the hearing. Brown had worked for Child Protective Services ("CPS") since 2001 and was familiar with the Saga family from a previous DCS investigation.

A second permanency plan for the children was established on August 27, 2004. Mother signed this plan, as well as the criteria and procedures for termination of parental rights, which outlined the circumstances under which Mother's parental rights could be terminated. The second plan also had dual goals, reunification as well as exit custody to live with relatives. This plan required Mother to have a legal source of income to provide for her children, either by employment or public assistance; obtain stable housing and provide DCS with proof of such housing; and obtain an alcohol and drug assessment and follow all recommendations from the assessment. The plan also noted that Mother had completed a psychological evaluation, and that the resulting recommendation was for Mother to undergo "intensive counseling for a minimum of six months to explore her making of poor choices, poor decisions and the impact this has on her children." On December 8, 2004, the trial court found Mother's responsibilities under this plan to be reasonable and reasonably related to the conditions that necessitated foster care, and so ratified the plan.

Mother was convicted on two counts of driving under the influence ("DUI") in Shelbyville, Tennessee, and was required to serve one hundred twenty (120) days in the Bedford County Correctional Facility.² She began serving her sentence sometime in 2004. On December 15, 2004, Mother received a certificate stating that she had attended six weeks of AA meetings while she was incarcerated.

The third and final permanency plan for the children was staffed on January 18, 2005. Mother signed this plan as well. The third permanency plan had the dual goals of adoption and exit custody to live with relatives. Similar to the two previous plans, Mother was required to have a legally-derived means of financially supporting the children, obtain stable housing, attend alcohol and drug counseling, submit to random drug screens, attend support group meetings, and have no more criminal problems. The third permanency plan was ratified by the trial court on February 14, 2005.

Mother was released from prison on approximately February 11, 2005. Upon her release, she moved into Grandmother's house. About two weeks later, Mother moved out of Grandmother's house and moved to Missouri, where her mother and other family members lived. The children remained in foster care.

Upon her move to Missouri, Mother initially moved in with her sister. She stayed there for about one month. She then moved into her mother's home in Missouri. During this time, Mother became engaged to a convicted felon. In June 2005, she moved out of her mother's home and moved in with her fiancé in his parents' three-bedroom home in Clinton, Missouri. During her time in Missouri, Mother did not see the children, but she had some telephone contact with them. DCS obtained the address of Mother's mother, but Mother did not inform DCS of where she was living.

²The dates of Mother's offenses and convictions are not apparent in the appellate record.

On June 10, 2005, DCS filed a petition to terminate Mother's parental rights as to the six children, based on abandonment for failure to visit the children for four months preceding the petition (T.C.A. § 36-1-113(g)(1)), substantial noncompliance with the permanency plans (T.C.A. § 36-1-113(g)(2)), and persistent conditions which led to the children's removal (T.C.A. § 36-1-113(g)(3)).³ DCS alleged that termination of Mother's parental rights was in the children's best interest.

A trial was conducted in the matter on September 22, 2005. Two witnesses testified at trial, Mother and Jennifer Brown, the DCS caseworker for the children.

In her testimony, Mother claimed that, when she left the children with Grandmother in 2003, Grandmother had kicked her out of the house and told her to find a place to live, threatening to put Mother in jail if she did not leave. The next day, Mother was arrested for abandonment and for failing to protect her children, but she was not convicted of those charges. Subsequently, Mother lived with a friend in Shelbyville.

Mother was convicted of two charges of driving under the influence of alcohol, and she served one hundred twenty (120) days in jail. She was released from jail on February 11, 2005. Upon her release, Mother moved in with Grandmother, but moved out after two or three weeks because, she said, Grandmother "started being hateful."

At that point, Mother moved to Missouri, where her mother, father, and two sisters lived. She explained that she moved to Missouri, away from her children, in order to "stay out of trouble" and have a better life. She commented that her plan was "to meet some rich guy, you know, that I can really relate to, but, no, I end up falling in love with a felon[]." When Mother relocated to Missouri, she initially moved into her sister's home in Buffalo, Missouri, and stayed there for two to four weeks. When her sister lost her home, Mother moved in with her mother, where she lived for four months. Mother testified that, when she moved to Missouri, she did not call DCS to inform them that she was moving. When asked why she did not notify DCS, she said that there was no telephone at her sister's house, and she knew that she did not intend to stay with her sister. When she moved to her mother's house, Mother said, she gave DCS her mother's address. She conceded that she did not give DCS her fiancé's address until after the petition for termination was filed, although, she said, her oldest child "knew I was in Missouri."

Mother testified that she moved in with her fiancé in his parents' three-bedroom house in June 2005, but conceded that she did not inform DCS that she had moved until a few months later. At the time of trial, Mother was still living in her fiancé's parents' home. She testified that her fiancé's parents lived in their home only one week out of the month, because they were truck drivers and were out on jobs the remainder of the month. Mother asserted that her fiancé had a stable job building boats, and that, although he is a convicted felon, he had been "clean" for four years. She

³ Although DCS asserted that Mother had abandoned the children by failure to provide support, that ground for termination is no longer being asserted by DCS.

said that she and her fiancé took care of his parents' home while they were away, and she claimed that it was a very stable home. In her testimony, Mother initially indicated that, if she obtained custody of her children, she would live with the children in her fiancé's parents' home. Later in her testimony, Mother indicated that she would move back into her mother's house with the children if she were given custody. Mother claimed that she and her fiancé planned to marry on April 13, 2006.⁴

Mother acknowledged that she did not visit the children at any time after she was released from jail in February 2005, but noted that she called them on weekends. She later testified that she saw the children "a couple [of] times" after she was released, before she moved to Missouri. Testifying about her telephone contact with the children while she was in Missouri, Mother said that she did not call them from her mother's house because her mother could not afford the long distance bill. She said that she called the children from her fiancé's parents' home on weekends, because they had unlimited long distance access. Later, Mother's telephone visitation with the children was restricted to one hour every two weeks. Mother conceded that she had never sent financial support for the children since they were removed from her custody.

Mother admitted that she signed the copy of the Adoption & Safe Families Act attached to her permanency plan, but she said that she did not understand it, and that no one from DCS discussed the procedures for termination of parental rights with her. Later, in response to questioning from the trial court, Mother acknowledged that it was explained to her that the permanency plan was a "road map for getting [her] children back." She acknowledged that she received a book on the subject from a caseworker, which she read. She also conceded that she knew there were things that could happen that would cause DCS to seek to terminate her parental rights.

Mother recalled attending the staffing meetings at which DCS developed permanency plans for the children. She said that she did not attend any alcohol and drug assessment, as was required in the plans, because no one from DCS told her where to go to obtain the assessment and she did not ask. Mother said that she took a two-day parenting class, arranged and paid for by DCS, for which she received a certificate. Mother participated in a psychological evaluation, and the examiner recommended that Mother undergo six (6) months of intensive training. Mother did not go to the recommended counseling, however, because no one at DCS ever told her where she should go, and she did not have the means to pay for counseling. While she was incarcerated, Mother said, she attended AA meetings once a week for six weeks, because someone at the prison mentioned to her that it could be helpful. When questioned about the classes, however, Mother said she did not know any of the "twelve steps" affiliated with the program, stating that she did not think that they "ever got that far." In her testimony, Mother admitted that she drank a beer before trial because she was nervous about losing her children.

⁴Neither Mother's fiancé nor his parents testified at the trial.

Mother testified that, after she was released from jail in February 2005, she did not seek public housing in Tennessee, because the wait was too long. After moving to Missouri, she stated, she never received any family support services.

Mother also testified about her educational background and her work history. She said that she has a ninth grade education and did not get her GED. Prior to the removal of the children, Mother had held a position at Tysons chicken processing plant, but she quit working there because she developed carpal tunnel syndrome, requiring surgery. After the children were removed from her custody, Mother worked at a series of fast food restaurants, Pizza Hut, McDonalds, and Krystal, earning \$6 per hour at all of them. In 2004, she quit working at Krystal in anticipation of her stay in jail. When she moved to Missouri, she worked at a McDonald's restaurant, but she quit that job, allegedly because she was sexually harassed. At the time of trial, Mother was working twenty (20) to thirty (30) hours per week at a Hardee's restaurant, earning \$6 per hour. At no time in her employment had Mother ever earned more than \$6 per hour. Mother acknowledged that her job at Hardee's restaurant was not enough to support herself and her six children, but she claimed that she was seeking full-time employment. She testified that she had applied for a job installing carpets in boats at the business where her fiancé worked, which would pay her \$9 per hour. She admitted that her driver's license had been revoked, but claimed that it would be reinstated in July 2006.

The DCS case manager, Brown, also testified. Brown said that all of the children had remained in DCS custody since they were removed from Mother's custody on September 2, 2003. The children stayed with Grandmother until August 10, 2004, but were removed from Grandmother's home because she failed to adequately supervise them. The children were placed in different foster homes. Dividing the children was necessary, Brown testified, because it was difficult to place six children in one home. T.S. and K.S. were placed in a foster home together, and R.S. and Z.S. were placed with a paternal aunt in Kentucky. C.S., Jr., and J.S. were initially placed in the same home, but C.S., Jr., had to be removed and placed in another foster home because of behavior problems. At the time of the trial, all of the children were doing well in their foster homes.

Brown stated that the interstate compact home placement of children ("ICPC") is a means by which DCS can submit a written request to an agency in another state to perform a home study at a residence in that state. She described it as a very lengthy procedure. DCS requested an ICPC report on the home of the paternal aunt in Kentucky for placement of R.S. and Z.S. An ICPC report was requested for the home of a maternal aunt in Missouri, but the request was denied because the aunt's home could not be located. Brown did not request an ICPC for the home of Mother's mother in Missouri.

Brown asserted that during the time in which the children had been in state custody, they had been available for visitation with Mother every other Monday from 3:30 to 4:30 p.m. Prior to Mother leaving the state, Brown said, Mother visited the children fairly regularly. Brown's records showed that between the time that the children were removed from Grandmother's home in August

2004 and Mother's last visit on February 7, 2005, Mother visited the children eight times.⁵ After the last visit on February 7, 2005, there were no further visits. Brown said that the children's foster parents worked together to make sure that the children visited with each other.

Brown testified that, at some point while Mother was in Missouri, Brown began receiving complaints from the children's foster parents that Mother's telephone calls to the children were upsetting them. Consequently, in 2005, Brown sent three letters to Mother to the only address that she had on file, Mother's mother's home in Missouri, requesting that Mother refrain from discussing inappropriate subjects during her telephone calls and making the children cry. The letters indicated that Mother was discussing adult personal problems with the children, telling them that she might reunite with their natural father, telling them that she had completed the permanency plans to regain custody when in fact she had not, and other subjects that were upsetting or inappropriate. In the letters, Brown told Mother that her calls were damaging to the children's mental health. On May 5, 2005, after a hearing, the trial court entered an order finding that Mother's conduct on the telephone was not in the children's best interest; the trial court restricted Mother's telephone contact with them to once every other week during the time in which regular visitation would ordinarily take place.⁶ Brown testified that, after this order was entered, Mother stopped calling the children entirely, but continued to write letters to them.

Brown asserted that she and other DCS employees had made consistent efforts to assist Mother in having custody of her children returned to her. The permanency plans outlined DCS responsibilities for putting in referrals for different services and Mother's responsibilities for other tasks. Pursuant to the permanency plan, Brown made four in-home case management referrals, which included counseling. Under the plan, the children received counseling, but Mother did not receive counseling because she did not live in the home with the children. No drug test referral was given to Mother, because Brown had no address for Mother to which she could send the referral. Brown asserted that she had no address for Mother until Mother moved to Missouri. At some point, after Mother moved to Missouri, Brown obtained the address for Mother's mother. However, she had no proof that Mother was actually living at her mother's home. Brown maintained that DCS explained to Mother her responsibilities under the permanency plans. The plans required Mother to provide proof of legal income, stable housing, and intensive counseling as recommended in her evaluation. She had done none of those things.

Brown testified that, in her opinion, Mother did not make a reasonable effort to regain custody of her children, because she complied with few of the provisions in the permanency plans. Brown noted that Mother did not visit the children often, and when she called the children on the telephone, she upset them. Brown did not think that Mother could provide the children with a

⁵ Apparently, while the children lived with Grandmother from their removal until August 2004, Mother saw the children whenever she chose to visit. The regularity of those visits was not the subject of testimony at trial.

⁶ The order also noted that Mother was "not staying in contact with [DCS], that [she is] not in compliance with the responsibilities of the Permanency Plans, that [she is] not visiting the children" except for her upsetting telephone calls.

suitable home, because she had never secured a job that would allow her to support herself and her six children. Mother lived with her fiancé, a convicted felon, in the home of her fiancé's parents, who could kick Mother out at any time. Brown believed that the conditions which led to the removal of the children from Mother's custody still existed. Mother was not able to take responsibility for the children, Brown stated, and it was unlikely that she would be able to in the near future. Brown also asserted that terminating Mother's parental rights was in the children's best interest, because the children needed permanency in their lives. If Mother's rights were terminated, Brown testified, some of the children would likely be adopted by their foster families, and there was a possibility that the others would also be adopted. Brown said that DCS was working very hard to try to make sure that all of the children received permanent homes. Brown's testimony concluded the evidence presented at trial.

At the end of the trial, the trial court issued an oral ruling terminating Mother's parental rights, based on abandonment for failure to visit for the four-month period preceding the petition for termination, substantial noncompliance with the permanency plan, and persistent conditions that led to the children's removal from Mother's custody. On September 26, 2005, the trial court entered an order consistent with its oral ruling. The trial court stated that, although the issue of abandonment was a close question, the evidence showed that Mother moved to Missouri and had not visited the children since February 7, 2005. Her correspondence with the children through mail and telephone while she was in Missouri, the trial court found, were at best token efforts at visitation. The trial court considered Mother's noncompliance with the permanency plans to be "part and parcel" with the persistent conditions ground for termination. It found that Mother did not comply with the requirements of the plan, which were directly related to remedying the conditions that led to the children's removal. Most importantly, Mother did not obtain a job that would enable her to support the children financially, did not provide them with a stable home, did not undergo an alcohol and drug assessment, did not complete intensive counseling, and did not keep in contact with DCS. The trial judge noted that even Mother's children did not know where she was. Commenting on Mother's testimony that her oldest child "knew I was in Missouri," the trial judge poignantly remarked, "Missouri is a pretty good-size state. . . . It's like saying, 'I'm from Tennessee.'" The trial court found that the conditions which led to the removal of the children from Mother's custody still existed, as well as other conditions which in all reasonable probability would cause the children to be subjected to further abuse and neglect. Finally, the trial court found that it was in the children's best interest for Mother's parental rights to be terminated. The trial court commented that, although dividing the siblings was undesirable, the time they had spent in foster care was "probably . . . the most stability that they have had." Accordingly, the trial court terminated Mother's parental rights. Mother now appeals the September 26, 2005 order.

On appeal, Mother argues that the trial court erred in determining that DCS had proven grounds for terminating her parental rights by clear and convincing evidence. Furthermore, she claims that the trial court erred in finding that termination of her parental rights was in the children's best interest.

In Tennessee, parties seeking to terminate parental rights must prove two elements. First, they must prove the existence of at least one of the statutory grounds for termination. T.C.A. § 36-1-113(c)(1) (2005); *In re D.L.B.*, 118 S.W.3d 360, 367 (Tenn. 2003); *Jones v. Garrett*, 92 S.W.3d 835, 838 (Tenn. 2002). Second, they must prove that terminating the parent's parental rights is in the child's best interest. T.C.A. § 36-1-113(c)(2) (2005); *In re A.W.*, 114 S.W.3d 541, 544 (Tenn. Ct. App. 2003). Both of these elements must be proven by clear and convincing evidence. *See* Tenn. Code Ann. § 36-1-113(c)(1) (2005); *In re Valentine*, 79 S.W.3d 539, 546 (Tenn. 2002).

In light of this, our customary standard of review must be modified somewhat for parental termination cases. Under Tennessee Rule of Appellate Procedure 13(d), the trial court's findings of fact are reviewed *de novo* upon the record, presuming those findings to be correct unless the evidence preponderates otherwise. Tenn. R. App. P. 13(d). As always, great weight is afforded to the trial court's determination of credibility; such determinations will not be reversed absent clear evidence to the contrary. *See Jones*, 92 S.W.3d at 838. Once the findings of fact are reviewed in light of the evidence in the record, we then must determine whether the facts, either as found by the trial court or as supported by the preponderance of the evidence, clearly and convincingly establish the elements required to terminate the parent's parental rights. *In re Audrey S.*, 182 S.W.3d 838, 861 (Tenn. Ct. App. 2005); *see also Jones*, 92 S.W.3d at 838.

We first address Mother's argument that the trial court erred in determining that her parental rights should be terminated based on her failure to comply substantially with her permanency plans. With her limited education, Mother argues, she especially relied on receiving aid from DCS in completing the requirements of the permanency plans. She points out that she underwent a parenting assessment and obtained a psychological evaluation, both because DCS assisted her in making the necessary arrangements. However, she did not attend six months of intensive counseling, and she asserts that this was because DCS did not make reasonable efforts to ensure that the counseling would take place, as was required under the permanency plans. Similarly, Mother claims that her failure to undergo alcohol and drug assessments was because no referrals for such testing were issued by DCS, despite the fact that DCS had the address of Mother's mother in Missouri. Furthermore, DCS failed to recognize that Mother had complied with the permanency plans by participation in the AA program while she was incarcerated and by resolving her legal problems and not incurring any additional criminal charges. Thus, Mother argues, she accomplished some of the goals of the permanency plans, and her failure to accomplish others was because DCS failed to make reasonable efforts to assist her.

As one ground for termination, a court may terminate a parent's rights based upon a finding of clear and convincing evidence that the parent is in "substantial noncompliance . . . with the statement of responsibilities in a permanency plan or plan of care." T.C.A. § 36-1-113(g)(2) (2005). As this Court has recognized, section 36-1-113(g)(2) does not require complete compliance with the DCS permanency plans; rather, it requires only substantial compliance. *See In re T.L.*, No. E2004-02615-COA-R3-PT, 2005 WL 2860202, at *11 (Tenn. Ct. App. Oct. 31, 2005) (concluding that fulfillment of six of the eight goals of the permanency plans constituted substantial compliance). To assess a parent's compliance with a permanency plan, the court must weigh "both the degree of

noncompliance and the weight assigned to that particular requirement.” *In re Z.J.S.*, No. M2002-02235-COA-R3-JV, 2003 WL 21266854, at *12 (Tenn. Ct. App. June 3, 2003). Conversely, “[t]erms which are not reasonable and related are irrelevant, and substantial noncompliance with such terms is irrelevant.” *In re Valentine*, 79 S.W.3d at 548-49.

As with most permanency plans, the plans for these children included obligations for DCS as well as for Mother. Without question, DCS “must make reasonable efforts to preserve a family before seeking to terminate parental rights.” *In re Jeremy D.*, No. 01-A-01-9510-JV00479, 1996 WL 257495, at *3 (Tenn. Ct. App. May 17, 1996). Mother has responsibilities as well. “Reunification of a family is a two-way street, and the law does not require DCS to carry the entire burden of this goal.” *In re R.C.V.*, No. W2001-02102-COA-R3-JV, 2002 WL 31730899, at *12 (Tenn. Ct. App. Nov. 18, 2002).

After the children were first taken into protective custody by DCS, Mother spent some time in jail. When she was not in jail, she lived with a friend and did not obtain independent housing. Mother was again incarcerated at the end of 2004 for her two DUIs, and she was released in February 2005. After her release, she moved to Missouri and did not keep DCS apprised of where she was living. On appeal, she criticizes DCS for failing to make reasonable efforts to assist her in complying with the permanency plans. Mother’s move to Missouri, however, coupled with her failure to keep in touch with DCS, clearly thwarted DCS’s efforts to provide referrals or assistance.

Mother made some effort to keep in touch with the children and comply with the permanency plans. As required, Mother resolved her legal problems and did not have any further criminal charges filed against her. She completed some parenting classes and attended Alcoholics Anonymous meetings while she was incarcerated. She underwent a psychological evaluation, which resulted in a recommendation for substantial followup treatment. Before moving to Missouri, Mother visited with the children fairly often and, after she moved, she telephoned some and wrote letters to them. She obtained some employment in Missouri and had a place to live. Clearly, Mother made some efforts, and the trial court was aware of them.

Nonetheless, the permanency plans are not simply a series of hoops for the biological parent to jump through in order to have custody of the children returned. Rather, as found by the trial court, the requirements of the permanency plan are intended to address the problems that led to removal; they are meant to place the parent in a position to provide the children with a safe, stable home and consistent appropriate care. This requires the parent to put in real effort to complete the requirements of the plan in a meaningful way in order to place herself in a position to take responsibility for the children.

Here, Mother made no meaningful attempt to complete the permanency plans and address the reasons for removal of the children from her custody. She submitted to a psychological evaluation, but did nothing to comply with the recommendation of intensive followup treatment. She attended Alcoholics Anonymous meetings while incarcerated, but apparently got little from them, because she testified that she did not believe they got around to explaining the twelve steps.

She admitted that she drank alcohol before the court hearing. Moving to Missouri was not an unreasonable choice in light of the fact that her mother and extended family lived there. Mother could have used this opportunity to address her most serious problems by seeking treatment for her psychological and substance abuse problems, securing a source of income through employment or public assistance sufficient to support herself and her children, and obtaining a stable, secure place to live for herself and her children. Instead, Mother made only superficial efforts. She obtained no treatment for her psychological or substance abuse issues, became involved with a convicted felon and moved in with his parents, and obtained only part-time, minimum-wage employment, clearly insufficient to support herself and six children. In addition, her efforts at keeping in touch with the children were done with so little regard for their mental and emotional well-being that DCS was forced to restrict and monitor her contact with the children.

In sum, Mother's efforts fell far short of reaching the overall goal of the permanency plans, which was for Mother to demonstrate that she had changed her conditions so that she could take full responsibility for raising her six children in a healthy, safe, stable home. Therefore, we find that the evidence preponderates in favor of the trial court's factual findings, and that those findings establish by clear and convincing evidence that Mother did not comply substantially with the requirements of the permanency plan, and that her parental rights may be terminated upon this ground.⁷

Mother further argues that the trial court erred in determining that termination of her parental rights was in the children's best interest. In order to make this determination, the trial court was required to consider all relevant factors, including the following:

- (1) Whether the parent or guardian has made such an adjustment of circumstance, conduct, or conditions as to make it safe and in the child's best interest to be in the home of the parent or guardian;
- (2) Whether the parent or guardian has failed to effect a lasting adjustment after reasonable efforts by available social services agencies for such duration of time that lasting adjustment does not reasonably appear possible;
- (3) Whether the parent or guardian has maintained regular visitation or other contact with the child;
- (4) Whether a meaningful relationship has otherwise been established between the parent or guardian and the child;
- (5) The effect a change of caretakers and physical environment is likely to have on the child's emotional, psychological and medical condition;
- (6) Whether the parent or guardian, or other person residing with the parent or guardian, has shown brutality, physical, sexual, emotional or psychological abuse, or neglect toward the child, or another child or adult in the family or household;

⁷ Because the establishment of only one ground is required to terminate parental rights, we need not address whether the trial court erred in concluding that Mother's rights should be terminated on the ground of abandonment or persistent conditions. *See In re D.L.B.*, 118 S.W.3d 360, 367 (Tenn. 2003).

(7) Whether the physical environment of the parent's or guardian's home is healthy and safe, whether there is criminal activity in the home, or whether there is such use of alcohol or controlled substances as may render the parent or guardian consistently unable to care for the child in a safe and stable manner;

(8) Whether the parent's or guardian's mental and/or emotional status would be detrimental to the child or prevent the parent or guardian from effectively providing safe and stable care and supervision for the child; or

(9) Whether the parent or guardian has paid child support consistent with the child support guidelines promulgated by the department pursuant to § 36-5-101.

T.C.A. § 36-1-113(i) (2005).

Mother argues that the trial court “hardly addressed” the best interests of the children at trial, and that the relevant factors do not show by clear and convincing evidence that terminating her rights is in the children's best interest. We cannot agree. The trial court is not required to explicitly address each element in its best interest analysis. The trial court in this case correctly recognized that the children needed permanency and stability in their lives, and that adoption would be the best way to provide such stability. By the time of trial, the children had been removed from Mother's custody and in foster care for two years. Mother never supported the children, and she never made adjustments in her circumstances to make it possible for the children to be safe in her care. After moving to Missouri, Mother did not visit them and her telephone calls undermined the children's emotional well-being. Under these circumstances, we must conclude that the evidence is clear and convincing that termination of Mother's parental rights is in the children's best interest.

The decision of the trial court is affirmed. Costs on appeal are to be taxed to Appellant Sylvia Saga, and her surety, for which execution may issue, if necessary.

HOLLY M. KIRBY, JUDGE